IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

OP.No. 33439 of 2002(E)

PETITIONER:

KANIYAMBETTA GRAMA PANCHAYAT,
WAYANAD DISTRICT, KERALA, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY, DISTRICT OFFICE, MEENANGADI, WAYANAD-673 591.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/04/2007, ALONG WITH OP NO. 27669 OF 2002 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.56439/2002 IN OP. NO.33439/2002

DISMISSED

02.04.2007 **SD/- KURIAN JOSEPH , JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RESOLUTION DT.26.10.02 PASSED BY THE PETITIONER.

EXT.P2:- COPY OF THE ORDER DT. 23.9.02 IN CMP. NO.46102/02 IN OP. NO.27102/02.

EXT.P3:- COPY OF THE ORDER DT.8.10.02 PASSED IN CMP. NO.49301/02 IN OP. NO.29141/02.

EXT.P4:- COPY OF THE PHOTOGRAPH SHOWING THE TRANSPORTATION OF SAND IN TRUKS.

/TRUE COPY/

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KURIAN JOSEPH, J.

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O.P.NO.33439 & 27669 OF 2002

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Dated this the 2nd day of April 2007

JUDGMENT

Petitioners are Grama Panchayats. Their contention is that the geologist has no power to issue permit for quarrying sand in places within the jurisdiction of the Panchayats, without their consent. The stand taken by the geologist is that they are only issuing quarrying permits in respect of sand deposited under the earth. Be that as it may, Act 18/2001 has reserved a power to the Government to resolve such disputes and issue the required clarifications.

This writ petition is hence disposed of as follows:

In the event of the Grama Panchayat approaching the Government within a period of two months from today, the matter will be duly considered by the Government with notice to the Panchayat and any other affected parties. Subject to the Grama Panchayat thus approaching the Government within a period of two months from today, the interim orders passed in these cases will continue till orders are passed by

the Government. Government will pass orders within a period of four months from the date of receipt of the representation.

KURIAN JOSEPH, JUDGE

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